

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALPHA O. HARRISON,
Plaintiff

v.

NANCY A. BERRYHILL,
Defendant

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:
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No. 3:17cv0618

(Judge Munley)

(Magistrate Judge Carlson)

ORDER

AND NOW, to wit, this 2nd day of May 2018, we have before us for disposition Magistrate Judge Martin C. Carlson's report and recommendation (Doc. 14), which proposes that the Plaintiff's request for a new administrative hearing should be granted, the Defendant's final decision denying this claim should be vacated, this case should be remanded to the Defendant to conduct a new administrative hearing pursuant to sentence four of 42 U.S.C. § 405(g); and that final judgment should be entered in favor of the Plaintiff and against the Defendant.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Moreover, the government has waived the opportunity to file objections. (Doc. 15). Therefore, in deciding whether to adopt the report and recommendation, we shall determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory

Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

1) The magistrate judge's report and recommendation (Doc. 14) is **ADOPTED**;

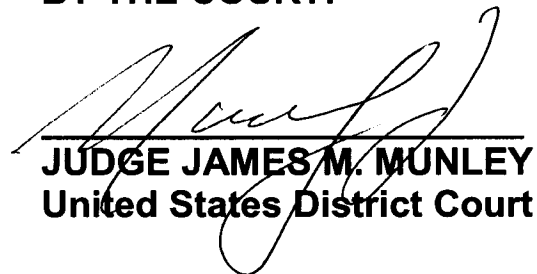
2) Plaintiff's request for a new administrative hearing is **GRANTED**;

3) Defendant's final decision denying this claim is **VACATED**;

4) The Clerk of Court is directed to remand this case for further proceedings in accordance with the report and recommendation; and

5) The Clerk of Court is directed to enter judgment in favor of Plaintiff and close this case.

BY THE COURT:


JUDGE JAMES M. MUNLEY
United States District Court